IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 256 of 1999

Between:

Vaddi Satyanandam

..... PETITIONER

AND

1. The Dist. Collector, E.G. district, at Kakinada.
2. The Sub Collector, Rajahmundry, E.G.District.
3. The Mandal Revenue Officer, Alamur Mandal E.G. Dist.

.....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring that the action of the respondents in making attempts to evict the petitioner from the lands admeasuring Ac.1.09 cents in S.No. 75/4, Ac.0.60 cents in Sy.No. 75/3 and Ac.0.31 cents in R..S.No. 83/3, totally admeasuring Ac.2.00 cents, situated in Kalavacherla village, Alamuru Mandal, East Godavari district is illegal, arbitrary, erroneous, unconstitutional and against the procedure prescribed under Land Acquisition Act and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in and over the lands admeasuring Ac.1.09 cents in S.No. 75/4, Ac.0.60 cents in Sy.No. 75/3 and Ac.0.31 cents in R..S.No. 83/3, totally admeasuring Ac.2.00 land, situated in Kalavacherla village, Alamuru Mandal, East Godavari district.

For the Petitioner:MR.Y.V.RAVI PRASAD

For the Respondent No.: GP FOR LAND ACQUISITION

The Court Made the Following ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of

the respondents in attempting to evict the petitioner from the lands admeasuring Ac.1.09 cents in Sy.No. 75/4, Ac.0.60 cents in Sy.No. 75/3 and Ac.0.31 cents in R.S.No. 83/3, totally admeasuring Ac.2.00 cents, situated in Kalavacherla Village, Alamuru Mandal, Easto Godavari District as illegal and arbitrary, and, for consequential direction to the respondents not to interfere with her peaceful possession and enjoyment of the land in question.

It is the case of the petitioner that in view of settlement deed executed by her late husband, she succeeded to the property and she is in possession of the land in question. This Writ Petition is filed on the ground that without notifying the land in question under the provisions of the Land Acquisition Act, 1894, the respondents are taking steps to evict the petitioner from the above said lands.

Though, no counter affidavit is filed on behalf of the respondents, on instructions, the learned Government Pleader submits that proposals are made to acquire the land in question for the purpose of house sites , but so far no notification is issued by the respondents under the provisions of the Land Acquisition act, 1894, to acquire the land.

If any private land is required for public purpose, possession of such land can be taken, either with the consent of the owner of the land, or, by notifiying under the provisions of the Land Acquisition Act. Admittedly, land of the petitioner is not yet notified. In that view of the matter, I dispose of the Writ Petition, directing the respondents not to interfere with the possession of the petitioner. However, it is made clear that, if the land of the petitioner is required for any public purpose, it is open for the respondents to take steps in accordance with the procedure envisaged in the Land Acquisition Act, 1894.

Subject to the above direction, the Writ Petition is disposed of. No costs.

Assistant Registrar

//True Copy//

Section Officer

To

1. The Dist. Collector, E.G. district, at Kakinada.
2. The Sub Collector, Rajahmundry, E.G.District.
3. The Mandal Revenue Officer, Alamur Mandal E.G. Dist.
4. Two CCs to G.P. for Land Acquisition, High Court of AP,Hyd(OUT)
5. Two CD copies.

To

6. The Dist. Collector, E.G. district, at Kakinada.
7. The Sub Collector, Rajahmundry, E.G.District.
8. The Mandal Revenue Officer, Alamur Mandal E.G. Dist.
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